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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,497	08/18/2003	Christopher Johnson	089229.00099	1694

32294 7590 06/13/2007
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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,497	Applicant(s) JOHNSON, CHRISTOPHER	
	Examiner Saba Tsegaye	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bark et al. (US 2002/0077138 A1).

Regarding claims 1, 9 and 16, Bark discloses a method of managing uplink radio resources in a CDMA telecommunications system comprising a primary base transceiver (18) station for providing a primary cell and at least one secondary base transceiver station (20) for providing at least one secondary cell, the method comprising:

determining an interference level into the primary base transceiver station (0045);

determining a contribution of secondary cell connections to the interference level (0048);

computing a proportionality factor for adjusting a reference interference level relative to the interference level, the proportionality factor being proportional to the contribution of the secondary cell connections to the interference level (0050); and

adjusting the reference interference level relative to the interference level by using the proportionality factor (0054).

Art Unit: 2616

Regarding claims 2 and 10, Bark discloses the method further including computing a proportionality factor proportional to a coupling between the primary cell and the at least one secondary cell (0048).

Regarding claims 3 and 11, Bark discloses the method further including controlling the uplink radio resources based on the interference level and the reference interference level (0054).

Regarding claims 4 and 12, Bark discloses the method further including basing a characterizing curve, which characterizes relation between a cell characteristic and an interference level, on the reference interference level (0038; see figs. 1 and 3).

Regarding claim 5, Bark discloses the method further including determining a contribution of primary cell connections to the interference level; and

determining the contribution of the secondary cell connections to the interference level by using the interference level and the contribution of the primary cell connections to the interference level (0047-0048).

Regarding claims 6 and 14, Bark discloses the method further including adjusting the reference interference level by shifting the reference interference level relative to the interference level by the amount of the proportionality factor (0037-0038).

Regarding claim 8, Bark discloses the method further including repeating the method at a predetermined rate (see fig. 3).

Regarding claim 13, Bark discloses the arrangement further including:

third determining means for determining a contribution of primary cell connections to the interference level; and fourth determining means for determining the contribution of the secondary cell connections to the interference level by using the interference level and the contribution of the primary cell connections to the interference level (0066).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bark et al.

Bark discloses all the claim limitations as stated above except for time control.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use time control in the system of Bark in order to provide more efficient and effective open loop power control.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al. (US 2006/0146876 A1) discloses a method and apparatus for determining reverse data rate in mobile communication system.

Kalofonos et al. (US 6,512,933 B1) discloses a method for optimizing CDMA load distribution using reverse interference measurements.

Voyer (US 2001/0053670 A1) discloses a method of controlling power in telecommunication system.

Wallentin (US 2001/0053695) discloses telecommunications interexchange measurement transfer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST

June 10, 2007


CHI PHAM
SUPERVISORY PATENT EXAMINER 6/11/07